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October 31, 2012
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MUR # 66684

Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: Complaint against John Gregg and Gregg for Indiana, Respondents

To Whom It May Concern:

Pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4, I, James Holden, hereby file this Complaint against John Gregg and Gregg for Indiana, for their illegal advertising and expenditures in violation of federal law.

I am a citizen and registered voter in the State of Indiana.

This complaint is filed against Respondent John Gregg, Democratic candidate for governor of Indiana and his campaign committee, Gregg for Indiana, for violating the Federal Election Campaign Act of 1971, as amended ("the Act" or "FECA") and the regulations of the Federal Election Commission ("the Commission" or "FEC"), specifically for an advertisement paid for by Gregg for Indiana which directly violates federal law ("Gregg Ad").

The Gregg Ad attacks not only the GOP candidate for Governor, but also references, depicts and attacks Richard Mourdock, Republican nominee for the U.S. Senate. The Gregg Ad states that it is paid for by Gregg for Indiana, an Indiana state campaign committee, which accepts contributions in excess of federal limits and from sources not permitted under federal law.

Respondents have admittedly paid for the Gregg Ad from funds that do not comply with the federal law prohibitions and restrictions for such advertisements. Indiana law allows corporate contributions to committees such as the Gregg for Indiana committee, as well as allowing unlimited contributions from individuals. Federal law prohibits corporate contributions and limits individual contributions to \$2500 per election. Obviously, the Gregg Ad attacking a federal candidate is being paid for with funds impermissible under the federal statutes.

The provisions of federal law violated by Respondents are 2 U.S.C. 441i(f) and 11 CFR Section 300.71, which specifically prohibit a political advertisement such as the Gregg Ad which was produced, disseminated and paid for by Respondents and which is currently being aired in Indiana illegally.

The Gregg Ad violates the following provision of federal law, which states:

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§ 300.71 Federal funds required for certain public communications (2 U.S.C. 441i(f)(1)).

No individual described in 11 CFR 300.70¹ shall spend any funds for a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified), and that promotes or supports any candidate for that Federal office, or attacks or opposes any candidate for that Federal office (regardless of whether the communication expressly advocates a vote for or against a candidate) unless the funds consist of Federal funds that are subject to the limitations, prohibitions, and reporting requirements of the Act. *See definition of public communication at 11 CFR 100.26.*"

A 'public communication' clearly includes the Gregg Ad. According to the Federal Election Commission regulations, "*Public communication* means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising. The term *general public political advertising* shall not include communications over the Internet, except for communications placed for a fee on another person's Web site." *See* 11 C.F.R. § 100.26 and 2 U.S.C. 431(22).

The Gregg Ad can be viewed at Respondents' website:
<http://www.greggforindiana.com//media/video>.

As is clear from its content, the Gregg Ad is not produced or paid for with funds allowable under federal law.

According to public records, Respondents spent thousands of dollars for airtime to disseminate this ad statewide via various broadcast television stations beginning on October 30, 2012.

All of these facts demonstrate that the Gregg Ad is illegal.

CONCLUSION

¹ 11 C.F.R. §300.70 states: "This subpart applies to any candidate for State or local office, individual holding State or local office, or an agent acting on behalf of any such candidate or individual..."

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★
Mourdock
REPUBLICAN ★ U.S. SENATE

Upon information and belief, and based upon the facts presented here, John Gregg and his campaign committee Gregg for Indiana have clearly and intentionally violated federal law. The Federal Election Commission has no choice but to punish John Gregg and his campaign

committee for their disregard of federal law and their willful violation of the Federal Election Campaign Act of 1971, as amended.

Please contact me if you have further questions.

Submitted,

J.R. Holden

James R. Holden
Campaign Manager & Counsel
Hoosiers for Richard Mourdock, Inc.

Before me this 31st day of Nov, 2012, appeared JAMES R. HOLDEN and
under penalty of perjury did swear and affirm that the above and foregoing facts are true and
correct to the best of my knowledge and belief.

SEAL

Murphy's Sign
Notary Public

My Commission Expires

August 14, 2016



DEMPSEY Z. TILMAN
HENRIKSS COUNTY
NOTARY PUBLIC
STATE OF INDIANA
MY COMMISSION EXPIRES AUGUST 14, 2016

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ATTACHMENT 1

Gregg Ad: "Back and Forth" Transcript 10/31/12

Male Voiceover:	Richard Mourdock
Video Clip of REM:	"I think the TEA Party movement is one of the most exciting political activities in my lifetime."
Male Voiceover:	Mike Pence
Video Clip of Pence:	"Uhh, we'll welcome the Tea Party with open arms."
Male Voiceover:	How they'd govern...
Video Clip of REM:	"To me, the highlight of politics, frankly, is to inflict my opinion on someone else."
Video Clip of Pence:	"Let's go pick a fight."
Male Voiceover:	And even after Mourdock said pregnancy from rape was something...
Video Clip of REM:	"...God intended to happen."
Video Clip of Pence:	"I support his candidacy for the Senate."
Male Voiceover:	You can stop the Tea Party with Governor John Gregg.

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